

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re G.B., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

G.B.,

Defendant and Appellant.

A127630

(Contra Costa County  
Super. Ct. No. J08-00734)

This is an appeal from the dispositional order entered after the juvenile court found that G.B. (minor) violated the terms of his probation by engaging in an altercation with a fellow resident at the Orin Allen Youth Rehabilitation Facility (youth facility). Pursuant to this order, the juvenile court added 30 days to minor's placement at the youth facility.

After minor filed a timely notice of appeal, appellate counsel was appointed to represent him. Appointed counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436, in which he raises no issue for appeal and asks this court for an independent review of the record. (See also *People v. Kelly* (2006) 40 Cal.4th 106, 124.) Counsel attests that minor was advised of his right to file a supplemental brief in a timely manner, but he has not exercised such right.

We have examined the entire record in accordance with *People v. Wende*. For reasons set forth below, we agree with counsel that no arguable issue exists on appeal. Accordingly, we affirm the dispositional order.

### **FACTUAL AND PROCEDURAL BACKGROUND**

On April 29, 2008, a petition was filed pursuant to Welfare and Institutions Code section 602 alleging that minor committed attempted first degree residential burglary, a felony under Penal Code sections 459, 460, subdivision (a), and 664 (count one). After initially denying count one, minor admitted an amended count two, attempted second degree burglary in violation of the same Penal Code provisions. Count one was thereafter dismissed with restitution reserved. Following a dispositional hearing on July 10, 2008, minor was adjudged a ward of the court, ordered to reside in his mother's residence, and released on electronic monitoring for six months with credit for two days served in custody.

Thereafter, between September 18, 2008 and September 29, 2009, minor admittedly committed several violations of the terms of his probation. These violations included, among others, school suspension and testing positive for tetrahydrocannabinol (THC). Minor was thus placed at the youth facility for the six-month regular program.

On February 2, 2010, a petition was filed pursuant to Welfare and Institutions Code section 777, alleging that on January 30, 2010, minor hit a fellow resident of the youth facility in the chest with a closed fist after the resident took his laundry bag. On February 3, 2010, the juvenile court sustained the petition based upon evidence set forth in a report by the probation counselor at the juvenile facility who had observed the incident. Before doing so, minor, represented by counsel, agreed to allow the court to decide the matter based upon the probation counselor's report and waived his right to a full evidentiary hearing, including his right to confront and cross-examine witnesses. Accordingly, the juvenile court ordered minor's period of confinement at the youth facility extended by 30 days, and continued him indefinitely as a ward of the court. This appeal followed.

## DISCUSSION

Neither appointed counsel nor minor has identified any issue for our review. Upon our own independent review of the record, we agree none exists. (*People v. Wende, supra*, 25 Cal.3d 436; *People v. Kelly, supra*, 40 Cal.4th at pp. 112-113.) The juvenile court found that minor violated the terms of his probation by engaging in an altercation with a fellow resident at the youth facility, in violation of the facility's rules, based upon evidence in the probation counselor's report that minor hit the resident in the chest with a closed fist after the resident took his laundry bag. Minor voluntarily agreed to permit the court to adjudicate the probation violation based upon this report and, in doing so, expressly acknowledged that he was thereby forfeiting certain rights, including his right to a full evidentiary hearing. At all relevant times during these proceedings, minor was represented by competent counsel. Under these circumstances, we believe the juvenile court's probation violation finding and order to extend by 30 days minor's period of confinement at the youth facility and to continue him indefinitely as a ward was lawful. (Welf. & Inst. Code, § 777; see also *In re Eddie M.* (2003) 31 Cal.4th 480, 497 [under section 777, an alleged probation violation "not amounting to a crime" covers acts in violation of a court order, whether or not such act otherwise constitutes a crime].)

Thus, having ensured minor has received adequate and effective appellate review, we affirm the juvenile court's dispositional order. (*People v. Wende, supra*, 25 Cal.3d 436; *People v. Kelly, supra*, 40 Cal.4th at pp. 112-113.)

## **DISPOSITION**

The dispositional order of February 3, 2010, is affirmed.

---

Jenkins, J.

We concur:

---

McGuiness, P.J.

---

Pollak, J.